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A.L.P. BROADCAST 1/7/63PRESENTED BY DON DUNSTAN - MEMBER FOR NORWOOD

Good Evening,

The S. A. Branch of the A.L.P. at its Annual State Convention last month decided to support as a party the repeal of Section 63 of The Lottery & Gaming Act. That Act was passed to prohibit unlawful gaming and wagering, prevent lotteries and the like - to see that people did not lay wagers or make bets except with licensed bookmakers in the manner controlled by the Act.

Section 63 reads:-

"No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter.

Penalty - Twenty pounds, or imprisonment for two months."

Now you will see that that section makes no mention of unlawful gaming of any kind. In fact, it was passed to get rid of the activities of what are called, I believe, in the trade "ceckatoos" or "nitkeepers". Some S.P. bookies, illegally betting in hotels, proved impossible to catch because they employed loungers who hung about outside and gave warning of the approach of police constables or any persons who looked as if they might be police constables. So the section was passed to allow police to force these people to move away to get rid of the illegal bookmakers' warning device.

The section is now rarely used for that purpose- but it is frequently used to require people who have no connection whatever with unlawful gaming to move away from some public place in which they quite lawfully are. The police may lawfully require a man to move if they don't like the way he is dressed or ties his tie. Their right in law to do things of this kind has been upheld by the courts.

If a man is near the scene of an accident - even though he is not obstructing traffic or interfering with investigation

of the accident he may be told to move on and if he does not he may be charged and fined.

If the police are called to a home where a torrid matrimonial argument is taking place they may remove the man concerned to the footpath outside and then, even though the place may be his own property, order him to move on as he is then in a public place. If he does not move away he commits an offence.

Now the law already provides in other sections of other Acts that the police may take action against anyone who obstructs traffic or hinders the police, against anyone who behaves in a public place in an offensive or disorderly manner or who uses bad language or sings obscene songs. Moreover, under the Police Offences Act it is an offence to loiter in a public place without reasonable excuse. One would think that those provisions would give the police all the power they needed.

The situation becomes worse in face of the suggestions, now made by the police, that section 105 of The Lottery & Gaming Act applies to prosecutions for failing to move on. Under that section the normal standard of criminal proof is not required. If a magistrate holds a reasonable suspicion that an offence may have been committed he may call on the defendant to make his defence, he does not have to be convinced beyond reasonable doubt. So you will see what a heavy burden this section could place on a man accused of the breach of it.

In fact, a provisions that the police may in law tell a man to move from somewhere where he quite lawfully is because they don't like the colour of his eyes, and in law it could be for that for the policeman does not have to have any reason for making the order to move on, exists in practically no other British Commonwealth country. This section has been used in a way quite other than that intended by Parliament and has given rise to a number of unfortunate and unpleasant incidents. For these reasons the A.L.P. is resolved to repeal it and I believe that the vast majority of thinking citizens will agree with them.

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